

Requests for Production of Documents; and (3) Defendant Cracker Barrel Old Country Store, Inc.'s First Set of Requests for Admissions (collectively "Defendant's Requests").

3. On December 18, 2007, this Court ordered Plaintiff to respond to Defendant's Motion "on or before January 3, 2008."

4. As of today, January 7, 2008, Plaintiff has not filed a response to Defendant's Motion, in contempt of this Court's order; and he still has not provided any response to Defendant's Requests.

5. Until such time as this Court permits Plaintiff's Counsel, Keith Anderson Nelms, Esq., to withdraw his representation, Plaintiff's Counsel continues to represent Plaintiff Jerome Kelley. Plaintiff, through his counsel of record, must respond to this Court's orders and to Defendant's discovery requests.

6. Plaintiff's non-response to this Court's order only reinforces the need for the requested order compelling discovery and imposing sanctions against Plaintiff and/or Plaintiff's Counsel.

Respectfully submitted this 7th day of January, 2008.

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC**

Six Concourse Parkway

Suite 3100

Atlanta, Georgia 30328

Phone: 678.406.8700

Fax: 678.406.8816

/s/ Stephen P. Pocalyko

Stephen P. Pocalyko, Esq.

Admitted pro hac vice

Georgia Bar No. 582602

Email: spocalyko@bakerdonelson.com

David E. Gevertz, Esq.

Admitted pro hac vice

Georgia Bar No. 292430

Email: dgevertz@bakerdonelson.com

**BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC**

1600 Wachovia Tower

420 20th Street North

Birmingham, Alabama 35203

Phone: 205.328.0480

Fax: 205.322.8007

Harriet Ivy, Esq.

Alabama State Bar No. 2901T531

Email: hivy@bakerdonelson.com

Attorneys for Defendant

Cracker Barrel Old Country Store, Inc.

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JEROME KELLEY

Plaintiff,

v.

**CRACKER BARREL OLD
COUNTRY STORE, INC.**

Defendant.

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Civil Case No. 2:07-CV-820-MEF

CERTIFICATE OF SERVICE

I hereby certify that I have this day caused to be served the foregoing
**DEFENDANT'S REPLY TO PLAINTIFF'S NON-RESPONSE TO
DEFENDANT'S MOTION TO COMPEL DISCOVERY** with the Clerk of the
Court by using the CM/ECF system which will send notification of such filing to
the following CM/ECF counsel of record:

Keith Anderson Nelms, Esq.
Law Offices of Jay Lewis, LLC
847 So. McDonough St., #100, Montgomery, AL 36104
andynelms@andersonnelms.com

This 7th day of January 8, 2008.

/s/ Stephen P. Pocalyko
Stephen P. Pocalyko, Esq.
Admitted pro hac vice
Georgia Bar No. 582602